

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

TEU SERVICES, INC.,
Plaintiff

v.

INVENTRONICS USA, INC.,
Defendant

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Case No. SA-16-CV-1023

REPORT OF CONFERENCE IN ACCORDANCE WITH RULE 26(f)

COME NOW TEU Services, Inc. (Plaintiff) and Inventronics USA, Inc. (Defendant) and file this their Report of Conference in accordance with Rule 26(f) of the Federal Rules of Civil Procedure. In accordance thereto, the Parties would make the following Report:

Parties.

1. TEU Services, Inc. and Inventronics USA, Inc. are currently all of the Parties involved in this litigation. The Parties acknowledge that this Court has jurisdiction in this case by virtue of 28 U.S.C. § 1332(a)(1) (Diversity).

Conference Timing.

2. The Parties have conferred by telephone and by written correspondence. The conferencing began on April 11, 2018. This case was originally filed in State Court and then removed to this Court. Afterward, Defendant filed Motions to Dismiss for Failure to State a Claim. Responsive Pleadings were filed and the Court recently made a Ruling on the Motion. Therefore, the Rule 26(f) Conference occurred timely after the Court had made a Final Ruling concerning the various Motions to Dismiss.

Conference Content.

3. In the course of the conferencing, the Parties considered and discussed the following:

1. The nature and basis of their claims and defenses;
2. The possibilities for promptly settling or resolving the case;
3. Making arrangements for Rule 26(a) Initial Disclosures;
4. Preservation of discoverable information; and
5. Proposed discovery.

The Conference was conducted by telephone and was attended by all attorneys of record.

4. The Parties believe that it would be to each of their benefits to attempt to reach an early resolution prior to discovery. To that end, the Parties have agreed that Plaintiff will submit a written offer of settlement in the form of a Mediation Statement by **May 15, 2018** and Defendant will respond by **May 31, 2018**. The Parties have agreed to submit this case to Mediation with Donald Philbin during the month of **June, 2018**.

Discovery Plan.

5. The Parties do not know of any changes that should be made in the timing, form or requirement for disclosures under 26(a). The Parties will exchange initial disclosures on or before **May 7, 2018**.

Limitations on Discovery.

6. The Parties have not agreed on any limitation as to the scope of discovery. The Parties have agreed that discovery should be completed on or before **October 1, 2019** in accordance with the Proposed Scheduling Order. The Parties have committed to working together to schedule and facilitate discovery in a cost efficient fashion.

7. The Parties do not know of any issues, at this time, concerning disclosure, discovery or preservation of electronically stored information.

8. The Parties do not know of, at this time, any unusual claims of privilege.

9. At this time, the Parties do not know of any limitation on discovery imposed under the Federal Rules of Civil Procedure or any other Local Rules. At this time, the Parties are not asking for any limitation as to discovery.

10. The Parties do not know of any Order, other than the proposed Scheduling Order, that the Court should issue at this time.

WHEREFORE, PREMISES CONSIDERED, the Parties pray that the Court accepts its Rule 26(f) Report and that their proposed Scheduling Order be approved.

Respectfully submitted,

By: /s/Michael W. Johnston

Michael W. Johnston

Attorney in Charge

Texas Bar No. 10840300

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By: /s/Joe E. Edwards

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of April, 2018, the foregoing document was electronically transmitted to the Court Clerk using the ECF System for filing. The Court Clerk will transmit a Notice of Electronic Filing to the following registrants:

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Emilie B. Wedman
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/s/Michael W. Johnston
Michael W. Johnston

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

TEU SERVICES, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 5:16-CV1023-RL
)	
INVENTRONICS USA, INC.,)	
)	
Defendant.)	

SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following Scheduling Order:

1. A report on alternative dispute resolution in compliance with Rule CV-88 shall be filed by July 31, 2018.
2. The Plaintiff shall submit a written offer of settlement in the form of a mediation statement that illuminates how Plaintiff calculates damages to Defendant by May 15, 2018, and Defendant respond in the form of a mediation statement May 31, 2018.
3. The parties shall file all motions to amend or supplement pleadings or to join additional parties by October 15, 2018.
4. Plaintiff shall file its designation of testifying experts and shall serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) by June 3, 2019. Defendant shall file its designation of testifying experts and shall serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) by July 3, 2019. All designations of rebuttal experts shall be filed within 14 days of receipt of the report of the opposing expert.
5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, not later than 60 days of receipt of the written report of the expert's proposed testimony, or not later than 30 days of the expert's deposition, if a deposition is taken, whichever is later.
6. The parties shall complete all discovery on or before October 1, 2019. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions as defined in Rule CV-7(c) shall be filed no later than November 1, 2019.

8. This case is set for trial [docket call, or jury selection] on January 13, 2020 at 9:00 a.m. The parties should consult Rule CV-16 regarding matters to be filed in advance of trial.

SIGNED this _____ day of _____.

UNITED STATES DISTRICT JUDGE